

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (currently amended) A circuit for a first communication partner appliance designed for contactless communication within a communication system comprising at least one second communication partner appliance in which circuit either an active send mode or a passive send mode may be activated, the circuit comprising:

terminal means to transmit carrier signals usable for contactless communication;  
communication signal processing means to activate an active send mode and a passive send mode, wherein the active send mode uses a carrier signal generated with the communication signal processing means for the contactless communication, and the passive send mode uses a carrier signal generated with a second communication partner appliance and received by the circuit via the terminal means for the contactless communication;

determination means to determine first energy source information which comprises at least one parameter of at least one energy source serving to supply the circuit with electrical energy;

an external energy source information identification stage to identify second energy source information which comprises at least one parameter of at least one energy source serving to supply a circuit of the second communication partner appliance with electrical energy; and

decision means to form a decision result based on the first and second energy source information from the first and second communication partner appliances, wherein the decision result influences which send mode is to be activated in the circuit of the first communication partner appliance, and wherein the decision means are designed to communicate the decision result to the second communication partner appliance with the aid of the communication signal processing means.

2. (previously presented) A circuit as claimed in claim 1, wherein the determination means are designed to determine first value information which first value information is characteristic of the value of the energy available for supplying the circuit and which first value information is contained in the first energy source information.

3. (currently amended) A circuit as claimed in claim 1, wherein the at least one energy source serving to supply the circuit of the second communication partner appliance with electrical energy comprises a battery arrangement, and wherein the determination means are designed to determine first type information which first type information is characteristic of the type of ~~energy source~~ battery arrangement serving to supply the circuit and which first type information is contained in the first energy source information.

4. (canceled)

5. (previously presented) A circuit as claimed in claim 1, wherein the decision means are additionally designed to form the decision result taking account of second value information available in the circuit but determined in the circuit of the second communication partner appliance which second value information is contained in the second energy source information determined in the circuit of the second communication partner appliance.

6. (currently amended) A circuit as claimed in claim 1, wherein the at least one energy source serving to supply the circuit of the first communication partner appliance with electrical energy comprises a second battery arrangement, and wherein the decision means are additionally designed to form the decision result taking account of second type information available in the circuit but determined in the circuit of the second communication partner appliance which second type information is characteristic of the type of the second battery arrangement serving to supply the circuit of the second communication partner appliance and which second type information is contained in the

second energy source information determined in the circuit of the second communication partner appliance.

7. (canceled)

8. (previously presented) A circuit as claimed claim 1, further comprising control means to receive the decision result and, if according to the decision result the send mode other than the previously activated send mode is to be activated, to terminate the previously activated send mode, thus terminating a communication protocol, and to activate the send mode to be activated according to the decision result with a restart of the communication protocol.

9. (previously presented) A circuit as claimed in claim 1, further comprising control means to receive the decision result and, if according to the decision result the same send mode as the previously activated send mode is to be activated, to maintain the previously activated send mode, with termination and subsequent restart of a communication protocol.

10. (previously presented) A communication partner appliance having a circuit as claimed in claim 1.

11. (currently amended) A method of controlling a send mode of a circuit for a first communication partner appliance designed for contactless communication, which first communication partner appliance belongs to a communication system comprising at least one second such communication partner appliance and which circuit comprises terminal means which are provided to transmit carrier signals usable for contactless communication, and in which circuit either an active send mode or a passive send mode may be activated, the method comprising:

determining first energy source information which comprises at least one parameter of at least one energy source serving to supply the circuit with electrical energy;

receiving second energy source information which comprises at least one parameter of at least one energy source serving to supply a second communication partner appliance with electrical energy;

forming a decision result based on the first and second energy source information from the first and second communication partner appliances;

communicating the decision result to the second communication partner appliance; and

activating the active send mode or the passive send mode in the circuit of the first communication partner appliance in response to the decision result, wherein the active send mode uses a carrier signal generated by the circuit for the contactless communication, and the passive send mode uses a carrier signal received by the circuit for the contactless communication.

12. (previously presented) A method as claimed in claim 11, wherein determining the first energy source information comprises determining first value information, which first value information is characteristic of the value of the energy available for supplying the circuit and which first value information is contained in the first energy source information.

13. (currently amended) A method as claimed in claim 11, wherein the at least one energy source serving to supply the circuit of the second communication partner appliance with electrical energy comprises a battery arrangement, and wherein determining the first energy source information comprises determining a first type information, which first type information is characteristic of the type of ~~energy source~~ battery arrangement serving to supply the circuit and which first type information is contained in the first energy source information.

14. (canceled)

15. (previously presented) A method as claimed in claim 11, wherein the second energy source information comprises second value information available in the circuit but determined in the circuit of the second communication partner appliance, wherein the second value information relates to a value of an electrical parameter of the at least one energy source of the second communication appliance.

16. (currently amended) A method as claimed in claim 11, wherein the at least one energy source serving to supply the circuit of the first communication partner appliance with electrical energy comprises a second battery arrangement, and wherein the second energy source information comprises second type information available in the circuit but determined in the circuit of the second communication partner appliance, wherein the second type information relates to a type of the ~~at least one energy source~~ second battery arrangement of the second communication appliance.

17. (previously presented) A method as claimed in claim 11, further comprising communicating the decision result to the second communication partner appliance.

18. (previously presented) A method as claimed in claim 11, wherein, if according to the decision result the send mode other than the previously activated send mode is to be activated, the method further comprises:

terminating the previously activated send mode through termination of a communication protocol; and

activating the send mode to be activated according to the decision result with a restart of said communication protocol.

19. (previously presented) A method as claimed claim 11, wherein, if according to the decision result the same send mode as the previously activated send mode is to be activated, the method further comprises maintaining the previously active send mode through termination and subsequent restart of a communication protocol.

20. (new) A circuit as claimed in claim 1, wherein the decision means is further configured to receive a second decision result from the second communication partner appliance, wherein the second decision result influences which send mode is to be activated in the circuit of the second communication partner appliance and also influences which send mode is to be activated in the circuit of the first communication partner appliance.

21. (new) A circuit as claimed in claim 20, wherein the decision means is further configured to form the decision result in agreement with the second communication partner appliance subsequent to:

transmission of the decision result of the first communication partner appliance to the second communication partner appliance; and

reception of the second decision result of the second communication partner appliance from the second communication partner appliance.

22. (new) A method as claimed in claim 11, further comprising:

receiving a second decision result from the second communication partner appliance, wherein the second decision result influences which send mode is to be activated in the circuit of the second communication partner appliance; and

forming the decision result additionally based on the second decision result from the second communication partner appliance.

23. (new) A method as claimed in claim 11, wherein forming the decision result further comprising forming the decision result in agreement with the second communication partner appliance subsequent to:

transmitting the decision result of the first communication partner appliance to the second communication partner appliance; and

receiving the second decision result from the second communication partner appliance.